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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Duane Le Allen § Group Art Unit: 2151  
Serial No.: 08/925,703 §  
Filed: September 9, 1997 § Examiner: George L. Opie  
For: Method and Apparatus for § Atty. Dkt. No.: MCT-0126-US  
Installing an Operating System § (MUEI-0305.00/US)

#26  
L55  
2-26-02

Commissioner for Patents  
Washington DC 20231

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REPLY TO OFFICE ACTION DATED JANUARY 2, 2002

Technology Center 2100

Dear Sir:

In response to the Office Action mailed on January 2, 2002, claims 34-51 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Applicant's alleged admitted prior art in view of *Microsoft Releases Windows 95 Service Pack*, M2 Communications Presswire, 14 (Feb 1996) (hereinafter referred to "Microsoft"). The Examiner further took several instances of Official Notice in rejecting dependent claims 36-43 and 45-50.

The Examiner fails to establish a *prima facie* case of obviousness for at least two reasons. First, to properly establish a *prima facie* case of obviousness, the references must teach or suggest all of the claim limitations. However, this requirement has not been met, as neither the alleged Applicant's admitted prior art nor Microsoft teaches or suggests a second configuration file that is external to an operating system package. In this manner, Microsoft teaches fixes, new components, tools and device drivers. However, none of these components are configuration files. The Examiner broadly states that the Service Pack that is described in Microsoft teaches the second configuration file. However, Applicant requests the Examiner to be more specific, as such a configuration file cannot be found in Microsoft. It is noted that a driver is not a configuration file. Thus, for at least these reasons, the cited references do not teach or suggest all of the limitations of claims 34 and 51.

The Examiner has not established a *prima facie* case of obviousness for the additional reason that the Examiner fails to provide support for the suggestion or motivation to combine the

Date of Deposit: January 24, 2002  
I hereby certify under 37 CFR 1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated above and is addressed to the Commissioner for Patents, Washington DC 20231.  
  
Debra Cutrona